

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**EDWARD PAUL NEWSOME,  
Defendant.**

**Criminal Case No. 3:10-CR-246-M-1**

**ORDER REGARDING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL**


Before the court is Defendant's notice of appeal and motion to proceed *in forma pauperis* on appeal filed on January 3, 2018. It appears Defendant seeks to appeal from the May 13, 2011 judgment of conviction.

Considering the record in this case and the recommendation of the United States Magistrate Judge, the Court hereby finds and orders:

- ( ) The motion for leave to proceed *in forma pauperis* on appeal is GRANTED. 28 U.S.C. § 1915.
- (X) The motion for leave to proceed *in forma pauperis* on appeal is DENIED for the following reasons:
- ( ) The defendant/movant is not a pauper.
- (X) Pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the court certifies that the appeal is not taken in good faith. Over six years have elapsed since the judgment in this case. Based on this, the Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

*Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the defendant may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.*

SO ORDERED this 17th day of January, 2018.

  
**BARBARA M. G. LYNN**  
**CHIEF JUDGE**